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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,465	10/23/2003	Brad L. Noll	1940-031320	7255

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EXAMINER

KRISHNAMURTHY, RAMESH

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,465

Applicant(s)

NOLL ET AL.

Examiner

Ramesh Krishnamurthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 28, 30, 32 - 33 is/are pending in the application.
- 4a) Of the above claim(s) 10 and 21 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28, 30 and 32 is/are allowed.
- 6) ☒ Claim(s) 1 - 9, 11 - 20, 22 - 25 & 33 is/are rejected.
- 7) ☒ Claim(s) 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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This office action is responsive to communications filed 05/19/2006.

Claims 1 – 28, 30, and 32 – 33 are pending.

Applicant's claim to domestic priority under 35 U.S.C. 119(e) has been noted.

1. This application contains claims 10 and 21 drawn to an invention nonelected with traverse in the communication filed 12/14/2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claims 1 – 9, 11 – 20, 22 – 28, 30 and 32 – 33 remain for further consideration.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 33 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 33 recites the preamble "the modular fluid casing as claimed in claim 25" that is not compatible with the preamble of the parent claim 25 that pertains to a method of installing check valves, thereby rendering the claim confusing.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 – 9, 11 – 13, 15 – 20 and 22 – 25 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/70246.

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The document WO'246 discloses a modular casing or a check valve arrangement that comprises a housing having an inlet end (44) and an outlet end (48) defining a flow channel therebetween, a modular cage (56) removably secured to said housing, the modular cage having an interior cavity wherein at least one check valve assembly (72, 74) is removably placed. A fluid seal each (68, 70) in the form of a gasket is positioned at the two ends of the modular cage for sealing the cage within the flow channel the housing. A lug (78) extending outwardly from said housing, the lug defining an orifice (85) adapted to receive a fastener (90). The modular cage defines at least one protrusion (86) having a slot (88) aligned with said orifice of said lug whereby the fastener (90) passes through the slot and the orifice for securing said modular cage to the housing. The modular cage shows a lip near the location where channel (98) is joined to the modular cage in Fig. 11. It is noted that the arrangement disclosed in WO'246 necessarily performs the method recited in claim 25 in its usual and normal operation.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/70246.

The document WO'246 discloses the claimed invention with the exception of explicitly disclosing the first diameter portion of the interior cavity has a diameter that is less than that of the second diameter portion.

The provision of a first diameter portion of the interior cavity having a diameter that is less than that of the second diameter portion is considered to be an obvious design expedient over those features in WO'246 in that it neither provides any new and/or unexpected result nor solves any stated problem.

9. Claims 28, 30 and 32 are allowed.

10. Claims 26 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

11. Applicant's arguments filed 05/19/2006 have been fully considered but they are not persuasive. Applicant's argument concerning the Zurn publication that a pair of spacers (16) separates the inlet body (12) and the outlet body (14). This feature pertains to the embodiment disclosed in Fig. 2 whereas the rejection as set forth above

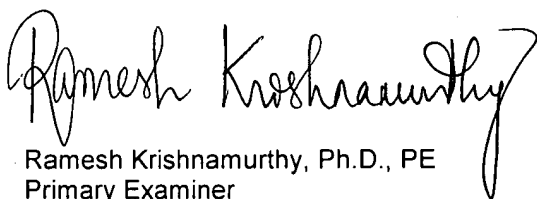
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referrers to the embodiment disclosed in Fig. 7, rendering the arguments moot. Regarding the rejection of claim 14, it is noted that the applicant refers to the paragraph 19 on page 4 of the instant specification concerning the ability of the modular cage to function with a single check valve. However the cited passage does not appear to provide any arguments concerning the limitation in claim 14 that pertains to the first diameter being smaller than that of the second diameter. Regarding claim 33, it is noted that while it may recite limitations that were deemed allowable in the office action, it does not satisfy 35 U.S.C. 112 second paragraph, for reasons set forth above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh Krishnamurthy whose telephone number is (571) 272 – 4914. The examiner can normally be reached on Monday - Friday from 10:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel, can be reached on (571) 272 – 4929. The fax phone number for the organization where this application or proceeding is assigned is (571) 273 – 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ramesh Krishnamurthy, Ph.D., PE
Primary Examiner
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